

House File 2485 - Introduced

HOUSE FILE 2485
BY COMMITTEE ON LABOR

(SUCCESSOR TO HSB 726)

A BILL FOR

- 1 An Act relating to public employee collective bargaining.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 20.1, subsection 2, paragraph e, Code
2 2009, is amended to read as follows:

3 e. Providing mediators, ~~fact finders~~, and arbitrators to
4 resolve impasses in negotiations.

5 Sec. 2. Section 20.1, subsection 2, paragraph g, Code 2009,
6 is amended to read as follows:

7 g. ~~Assisting the attorney general in the preparation~~
8 ~~of~~ Preparing legal briefs and ~~the presentation of~~ presenting
9 oral arguments in the district court, the court of appeals, and
10 the supreme court in cases affecting the board.

11 Sec. 3. Section 20.3, subsection 4, Code 2009, is amended
12 to read as follows:

13 4. "*Employee organization*" means an organization of any
14 kind in which public employees participate and which exists for
15 the primary purpose of representing ~~publie~~ employees in their
16 employment relations.

17 Sec. 4. Section 20.3, subsection 5, Code 2009, is amended by
18 striking the subsection.

19 Sec. 5. Section 20.5, subsection 3, Code 2009, is amended
20 to read as follows:

21 3. The chairperson and the remaining two members shall be
22 compensated as provided in section 7E.6, subsection 5. Members
23 of the board and ~~other~~ employees of the board shall be allowed
24 their actual and necessary expenses incurred in the performance
25 of their duties. All expenses and salaries shall be paid from
26 appropriations for such purposes and the board shall be subject
27 to the budget requirements of chapter 8.

28 Sec. 6. Section 20.6, subsection 1, Code 2009, is amended
29 to read as follows:

30 1. ~~Administer~~ Interpret, apply, and administer the
31 provisions of this chapter.

32 Sec. 7. Section 20.10, subsection 1, Code 2009, is amended
33 to read as follows:

34 1. It shall be a prohibited practice for any public
35 employer, public employee or employee organization to

1 ~~willfully~~ refuse to negotiate in good faith with respect to the
2 scope of negotiations as defined in section 20.9.

3 Sec. 8. Section 20.10, subsection 2, unnumbered paragraph
4 1, Code 2009, is amended to read as follows:

5 It shall be a prohibited practice for a public employer or
6 the employer's designated representative ~~willfully~~ to:

7 Sec. 9. Section 20.10, subsection 2, paragraph f, Code 2009,
8 is amended to read as follows:

9 f. Deny the rights accompanying certification ~~or exclusive~~
10 ~~recognition~~ granted in this chapter.

11 Sec. 10. Section 20.10, subsection 3, unnumbered paragraph
12 1, Code 2009, is amended to read as follows:

13 It shall be a prohibited practice for public employees or an
14 employee organization or for any person, union or organization
15 or their agents ~~willfully~~ to:

16 Sec. 11. Section 20.10, subsection 3, paragraph b, Code
17 2009, is amended to read as follows:

18 b. Interfere, restrain, or coerce a public employer with
19 respect to rights granted in this chapter or with respect to
20 selecting a representative for the purposes of negotiating
21 collectively ~~on~~ or the adjustment of grievances.

22 Sec. 12. Section 20.10, subsection 3, paragraph f, Code
23 2009, is amended to read as follows:

24 f. Violate the provisions of sections 732.1 to 732.3,
25 which are hereby made applicable to public employers, public
26 employees, and public employee organizations.

27 Sec. 13. Section 20.10, subsection 4, Code 2009, is amended
28 to read as follows:

29 4. The expressing of any views, argument or opinion, or
30 the dissemination thereof, whether orally or in written,
31 printed, graphic, or visual form, shall not constitute or be
32 evidence of any ~~unfair-labor~~ prohibited practice under any of
33 the provisions of this chapter, if such expression contains no
34 threat of reprisal or force or promise of benefit.

35 Sec. 14. Section 20.11, subsections 1, 2, and 3, Code 2009,

1 are amended to read as follows:

2 1. Proceedings against a party alleging a violation of
3 section 20.10~~7~~, shall be commenced by filing a complaint with
4 the board within ninety days of the alleged violation, causing
5 a copy of the complaint to be served upon the accused party ~~in~~
6 ~~the manner of an original notice as provided in this chapter.~~
7 The accused party shall have ten days within which to file
8 a written answer to the complaint. However, the board may
9 conduct a preliminary investigation of the alleged violation,
10 and if the board determines that the complaint has no basis in
11 fact, the board may dismiss the complaint. The board shall
12 promptly thereafter set a time and place for hearing in the
13 county where the alleged violation occurred, provided, however,
14 that the presiding officer may conduct the hearing through the
15 use of technology from a remote location. The parties shall
16 be permitted to be represented by counsel, summon witnesses,
17 and request the board to subpoena witnesses on the requester's
18 behalf. Compliance with the technical rules of pleading and
19 evidence shall not be required.

20 2. The board may designate one of its members, an
21 administrative law judge, or any other qualified person
22 employed by the board to ~~conduct~~ serve as the presiding
23 officer at the hearing. The ~~administrative law judge presiding~~
24 ~~officer~~ has the powers as may be exercised by the board for
25 conducting the hearing and shall follow the procedures adopted
26 by the board for conducting the hearing. The proposed decision
27 of the ~~administrative law judge presiding officer~~ may be
28 appealed to the board and ~~the board may hear the case de novo~~
29 ~~or upon the record as submitted before the administrative law~~
30 ~~judge, utilizing procedures governing appeals to the district~~
31 ~~court in this section so far as applicable, or reviewed on~~
32 motion of the board, in accordance with the provisions of
33 chapter 17A.

34 3. The board shall appoint a certified shorthand reporter to
35 report the proceedings and the board shall fix the reasonable

1 amount of compensation for such service, and for any transcript
2 requested by the board, which ~~amount~~ amounts shall be taxed as
3 other costs.

4 Sec. 15. Section 20.13, subsections 2 and 3, Code 2009, are
5 amended to read as follows:

6 2. Within thirty days of receipt of a petition ~~or notice~~
7 ~~to all interested parties if on its own initiative~~, the
8 board shall conduct a public hearing, receive written or oral
9 testimony, and promptly thereafter file an order defining
10 the appropriate bargaining unit. In defining the unit,
11 the board shall take into consideration, along with other
12 relevant factors, the principles of efficient administration
13 of government, the existence of a community of interest among
14 public employees, the history and extent of public employee
15 organization, geographical location, and the recommendations
16 of the parties involved.

17 3. Appeals from such order shall be governed by ~~appeal~~
18 ~~provisions provided in section 20.11~~ the provisions of chapter
19 17A.

20 Sec. 16. Section 20.14, subsection 2, paragraph a, Code
21 2009, is amended to read as follows:

22 a. The employee organization has submitted a request to a
23 public employer to bargain collectively ~~with~~ on behalf of a
24 designated group of public employees.

25 Sec. 17. Section 20.14, subsection 6, Code 2009, is amended
26 by striking the subsection.

27 Sec. 18. Section 20.15, subsections 1, 2, and 6, Code 2009,
28 are amended to read as follows:

29 1. Upon the filing of a petition for certification
30 of an employee organization, the board shall submit a
31 question to the public employees at an election in ~~an~~
32 ~~appropriate~~ the bargaining unit found appropriate by the board.
33 The question on the ballot shall permit the public employees
34 to vote for no bargaining representation or for any employee
35 organization which has petitioned for certification or which

1 has presented proof satisfactory to the board of support of
2 ten percent or more of the public employees in the appropriate
3 unit.

4 2. If a majority of the votes cast on the question is
5 for no bargaining representation, the public employees in
6 the bargaining unit found appropriate by the board shall not
7 be represented by an employee organization. If a majority
8 of the votes cast on the question is for a listed employee
9 organization, then ~~the~~ that employee organization shall
10 represent the public employees in ~~an appropriate~~ the bargaining
11 unit found appropriate by the board.

12 6. a. A petition for certification as ~~an~~ exclusive
13 bargaining representative of a bargaining unit shall not be
14 considered by the board for a period of one year from the
15 date of the ~~certification or~~ noncertification of an employee
16 organization as the exclusive bargaining representative ~~or of~~
17 that bargaining unit following a certification election.
18 A petition for certification as the exclusive bargaining
19 representative of a bargaining unit shall also not be
20 considered by the board if the bargaining unit is at that time
21 represented by a certified exclusive bargaining representative.

22 b. A petition for the decertification of the exclusive
23 bargaining representative of a bargaining unit shall not be
24 considered by the board for a period of one year from the date
25 of its certification, or within one year of its continued
26 certification following a decertification election, or during
27 the duration of a collective bargaining agreement which, for
28 purposes of this section, shall be deemed not to exceed two
29 years. However, if a petition for decertification is filed
30 during the duration of a collective bargaining agreement, the
31 board shall award an election under this section not more than
32 one hundred eighty days and not less than one hundred fifty
33 days prior to the expiration of the collective bargaining
34 agreement. If an employee organization is decertified, the
35 board may receive petitions under section 20.14, provided that

1 no such petition and no election conducted pursuant to such
 2 petition within one year from decertification shall include as
 3 a party the decertified employee organization.

4 c. A collective bargaining agreement with the state, its
 5 boards, commissions, departments, and agencies shall be for two
 6 years and the provisions of a collective bargaining agreement
 7 ~~except agreements agreed to or tentatively agreed to prior to~~
 8 ~~July 1, 1977, or arbitrators' or arbitrator's~~ award affecting
 9 state employees shall not provide for renegotiations which
 10 would require the refinancing of salary and fringe benefits
 11 for the second year of the term of the agreement, except as
 12 provided in section 20.17, subsection 6, and the effective date
 13 of any such agreement shall be July 1 of odd-numbered years,
 14 provided that if an exclusive bargaining representative is
 15 certified on a date which will prevent the negotiation of a
 16 collective bargaining agreement prior to July 1 of odd-numbered
 17 years for a period of two years, the certified collective
 18 bargaining representative may negotiate a one-year contract
 19 with a the public employer which shall be effective from
 20 July 1 of the even-numbered year to July 1 of the succeeding
 21 odd-numbered year when new contracts shall become effective.
 22 ~~However, if a petition for decertification is filed during~~
 23 ~~the duration of a collective bargaining agreement, the board~~
 24 ~~shall award an election under this section not more than one~~
 25 ~~hundred eighty days nor less than one hundred fifty days prior~~
 26 ~~to the expiration of the collective bargaining agreement. If~~
 27 ~~an employee organization is decertified, the board may receive~~
 28 ~~petitions under section 20.14, provided that no such petition~~
 29 ~~and no election conducted pursuant to such petition within~~
 30 ~~one year from decertification shall include as a party the~~
 31 ~~decertified employee organization.~~

32 Sec. 19. Section 20.17, subsection 3, Code 2009, is amended
 33 to read as follows:

34 3. Negotiating sessions, strategy meetings of public
 35 employers ~~or employee organizations~~, mediation, and the

1 deliberative process of arbitrators shall be exempt from the
2 provisions of chapter 21. However, the employee organization
3 shall present its initial bargaining position to the public
4 employer at the first bargaining session. The public employer
5 shall present its initial bargaining position to the employee
6 organization at the second bargaining session, which shall be
7 held no later than two weeks following the first bargaining
8 session. Both sessions shall be open to the public and subject
9 to the provisions of chapter 21. Parties who by agreement
10 are utilizing a cooperative alternative bargaining process
11 may exchange their respective initial interest statements
12 in lieu of initial bargaining positions at these open
13 sessions. Hearings conducted by arbitrators shall be open to
14 the public.

15 Sec. 20. Section 20.17, subsection 6, Code 2009, is amended
16 to read as follows:

17 6. ~~No~~ A collective bargaining agreement or ~~arbitrators'~~
18 ~~decision~~ arbitrator's award shall not be valid or enforceable
19 if its implementation would be inconsistent with any statutory
20 limitation on the public employer's funds, spending or budget
21 or would substantially impair or limit the performance of any
22 statutory duty by the public employer. A collective bargaining
23 agreement or ~~arbitrators'~~ arbitrator's award may provide for
24 benefits conditional upon specified funds to be obtained by
25 the public employer, but the agreement shall provide either
26 for automatic reduction of such conditional benefits or for
27 additional bargaining if the funds are not obtained or if a
28 lesser amount is obtained.

29 Sec. 21. Section 20.17, subsection 10, Code 2009, is amended
30 to read as follows:

31 10. The negotiation of a proposed collective bargaining
32 agreement by representatives of a state public employer and
33 a state employee organization shall be complete not later
34 than March 15 of the year when the agreement is to become
35 effective. The board shall provide, by rule, a date on which

1 any impasse item must be submitted to binding arbitration and
 2 for such other procedures as deemed necessary to provide for
 3 the completion of negotiations of proposed state collective
 4 bargaining agreements not later than March 15. The date
 5 selected for the mandatory submission of impasse items to
 6 binding arbitration shall be sufficiently in advance of March
 7 15 to ~~insure~~ ensure that the ~~arbitrators' decision~~ arbitrator's
 8 award can be reasonably made before March 15.

9 Sec. 22. Section 20.17, subsection 11, Code 2009, is amended
 10 to read as follows:

11 11. *a.* In the absence of an impasse agreement negotiated
 12 pursuant to section 20.19 which provides for a different
 13 completion date, public employees represented by a certified
 14 employee organization who are teachers licensed under chapter
 15 272 and who are employed by a public employer which is a
 16 school district or area education agency shall complete the
 17 negotiation of a proposed collective bargaining agreement
 18 not later than May 31 of the year when the agreement is to
 19 become effective. The board shall provide, by rule, a date
 20 on which impasse items in such cases must be submitted to
 21 binding arbitration and for such other procedures as deemed
 22 necessary to provide for the completion of negotiations of
 23 proposed collective bargaining agreements not later than
 24 May 31. The date selected for the mandatory submission of
 25 impasse items to binding arbitration in such cases shall
 26 be sufficiently in advance of May 31 to ensure that the
 27 ~~arbitrators' decision~~ arbitrator's award can be reasonably made
 28 ~~before~~ by May 31.

29 ~~*b.* If the public employer is a community college, the~~
 30 ~~following apply:~~

31 ~~(1) *b.* The negotiation of a proposed collective bargaining~~
 32 ~~agreement shall be complete not later than May 31 of the~~
 33 ~~year when the agreement is to become effective, absent the~~
 34 ~~existence~~ In the absence of an impasse agreement negotiated
 35 pursuant to section 20.19 which provides for a different

1 completion date, public employees represented by a certified
 2 employee organization who are employed by a public employer
 3 which is a community college shall complete the negotiation
 4 of a proposed collective bargaining agreement not later than
 5 May 31 of the year when the agreement is to become effective.
 6 The board shall ~~adopt rules providing for~~ provide, by rule, a
 7 date on which impasse items in such cases must be submitted to
 8 binding arbitration and for such other procedures as deemed
 9 necessary to provide for the completion of negotiations of
 10 proposed collective bargaining agreements not later than
 11 May 31. The date selected for the mandatory submission of
 12 impasse items to binding arbitration in such cases shall
 13 be sufficiently in advance of May 31 to ensure that the
 14 ~~arbitrators' decision~~ arbitrator's award can be reasonably made
 15 by May 31.

16 ~~{2}~~ c. Notwithstanding the provisions of ~~subparagraph~~
 17 ~~{1}~~ paragraphs "a" and "b", the May 31 deadline may be waived by
 18 mutual agreement of the parties to the collective bargaining
 19 agreement negotiations.

20 Sec. 23. Section 20.18, unnumbered paragraph 1, Code 2009,
 21 is amended to read as follows:

22 An agreement with an employee organization which is
 23 the exclusive representative of public employees in an
 24 appropriate unit may provide procedures for the consideration
 25 of public employee and employee organization grievances ~~and of~~
 26 ~~disputes~~ over the interpretation and application of agreements.
 27 Negotiated procedures may provide for binding arbitration of
 28 public employee and employee organization grievances ~~and of~~
 29 ~~disputes~~ over the interpretation and application of existing
 30 agreements. An arbitrator's decision on a grievance may not
 31 change or amend the terms, conditions, or applications of the
 32 collective bargaining agreement. Such procedures shall provide
 33 for the invoking of arbitration only with the approval of the
 34 employee organization in all instances, and in the case of an
 35 employee grievance, only with the additional approval of the

1 public employee. The costs of arbitration shall be shared
2 equally by the parties.

3 Sec. 24. Section 20.22, subsections 1, 2, and 3, Code 2009,
4 are amended to read as follows:

5 1. If an impasse persists ~~after the findings of fact and~~
6 ~~recommendations are made public by the fact-finder, the parties~~
7 ~~may continue to negotiate or~~ ten days after the mediator has
8 been appointed, the board shall have the power, upon request
9 of either party, to arrange for arbitration, which shall be
10 binding. The request for arbitration shall be in writing and a
11 copy of the request shall be served upon the other party.

12 2. ~~a.~~ Each party shall ~~submit to the board~~ serve its final
13 offer on each of the impasse items upon the other party within
14 four days of the board's receipt of the request ~~a final offer~~
15 ~~on the impasse items with proof of service of a copy upon the~~
16 ~~other party~~ for arbitration. Each party shall also submit a
17 ~~copy of a draft of the proposed collective bargaining agreement~~
18 ~~to the extent to which agreement has been reached and the~~
19 ~~name of its selected arbitrator~~. The parties may continue
20 to negotiate all offers until an agreement is reached or a
21 decision an award is rendered by the ~~panel of arbitrators~~.

22 ~~b.~~ As an alternative procedure, the two parties may agree
23 to submit the dispute to a single arbitrator. If the parties
24 cannot agree on the arbitrator within four days, the selection
25 shall be made pursuant to subsection 5 arbitrator. The full
26 costs of arbitration under this ~~provision~~ section shall be
27 shared equally by the parties to the dispute.

28 3. The submission of the impasse items to the
29 ~~arbitrators~~ arbitrator shall be limited to those ~~issues that~~
30 ~~had been considered by the fact-finder and~~ items upon which
31 the parties have not reached agreement. With respect to
32 each such item, the ~~arbitration board~~ arbitrator's award
33 shall be restricted to the final offers on each impasse
34 item submitted by the parties to the ~~arbitration board or~~
35 ~~to the recommendation of the fact-finder on each impasse~~

1 ~~item~~ arbitrator.

2 Sec. 25. Section 20.22, subsections 10 through 13, Code
3 2009, are amended to read as follows:

4 10. ~~The chairperson of the panel of arbitrators~~ arbitrator
5 ~~may hold hearings and administer oaths, examine witnesses and~~
6 ~~documents, take testimony and receive evidence, and issue~~
7 ~~subpoenas to compel the attendance of witnesses and the~~
8 ~~production of records, and delegate such powers to other~~
9 ~~members of the panel of arbitrators.~~ The chairperson
10 ~~of the panel of arbitrators~~ arbitrator may petition the
11 district court at the seat of government or of the county in
12 which ~~any~~ the hearing is held to enforce the order of the
13 ~~chairperson~~ arbitrator compelling the attendance of witnesses
14 and the production of records.

15 11. ~~A majority of the panel of arbitrators~~ The
16 arbitrator shall select within fifteen days after ~~its first~~
17 ~~meeting the hearing~~ the most reasonable offer, in ~~it's~~ the
18 arbitrator's judgment, of the final offers on each impasse
19 ~~item submitted by the parties, or the recommendations of the~~
20 ~~fact-finder on each impasse item.~~

21 12. The selections by the ~~panel of arbitrators~~ arbitrator
22 and items agreed upon by the public employer and the employee
23 organization, shall be deemed to be the collective bargaining
24 agreement between the parties.

25 13. The determination of the ~~panel of arbitrators~~ shall
26 ~~be by majority vote and~~ arbitrator shall be final and binding
27 subject to the provisions of section 20.17, subsection 6. The
28 ~~panel of arbitrators~~ arbitrator shall give written explanation
29 ~~for its selection~~ the arbitrator's selections and inform the
30 parties of ~~its~~ the decision.

31 Sec. 26. Section 20.22, subsection 4, Code 2009, is amended
32 by striking the subsection and inserting in lieu thereof the
33 following:

34 4. Upon the filing of the request for arbitration, a list
35 of five arbitrators shall be served upon the parties by the

1 board. Within five days of service of the list, the parties
 2 shall determine by lot which party shall remove the first name
 3 from the list and the parties shall then alternately remove
 4 names from the list until the name of one person remains, who
 5 shall become the arbitrator. The parties shall immediately
 6 notify the board of their selection and the board shall
 7 notify the arbitrator. After consultation with the parties,
 8 the arbitrator shall set a time and place for an arbitration
 9 hearing.

10 Sec. 27. Section 20.22, subsections 5 and 6, Code 2009, are
 11 amended by striking the subsections.

12 Sec. 28. Section 20.22, subsections 7 and 8, Code 2009, are
 13 amended to read as follows:

14 7. The ~~panel of arbitrators~~ arbitrator shall at no time
 15 engage in an effort to mediate or otherwise settle the dispute
 16 in any manner other than that prescribed in this section.

17 8. From the time of ~~appointment~~ the board notifies
 18 the arbitrator of the selection of the arbitrator until
 19 such time as the ~~panel of arbitrators~~ makes its final
 20 determination arbitrator's selection on each impasse item is
 21 made, there shall be no discussion concerning recommendations
 22 for settlement of the dispute by the ~~members of the panel of~~
 23 ~~arbitrators~~ arbitrator with parties other than those who are
 24 direct parties to the dispute. ~~The panel of arbitrators may~~
 25 ~~conduct formal or informal hearings to discuss offers submitted~~
 26 ~~by both parties.~~

27 Sec. 29. Section 20.22, subsection 9, unnumbered paragraph
 28 1, Code 2009, is amended to read as follows:

29 The ~~panel of arbitrators~~ arbitrator shall consider, in
 30 addition to any other relevant factors, the following factors:

31 Sec. 30. Section 20.24, Code 2009, is amended to read as
 32 follows:

33 **20.24 Notice and service.**

34 Any notice required under the provisions of this chapter
 35 shall be in writing, but service thereof shall be sufficient

1 if mailed by restricted certified mail, return receipt
 2 requested, addressed to the last known address of the
 3 ~~parties~~ intended recipient, unless otherwise provided in this
 4 chapter. Refusal of restricted certified mail by any party
 5 shall be considered service. Prescribed Unless otherwise
 6 provided in this chapter, prescribed time periods shall
 7 commence from the date of the receipt of the notice. Any party
 8 may at any time execute and deliver an acceptance of service in
 9 lieu of mailed notice.

10 Sec. 31. REPEAL. Section 20.21, Code 2009, is repealed.

11 EXPLANATION

12 This bill concerns public employee collective bargaining
 13 generally.

14 Code section 20.1, subsection 2, is amended to provide that
 15 one of the powers and duties of the public employment relations
 16 board (PERB) is to represent the board in court.

17 Code section 20.6 is amended to provide that PERB shall
 18 interpret, apply, and administer the provisions of Code chapter
 19 20.

20 Code section 20.10, subsections 1, 2, and 3, are amended
 21 to eliminate the requirement that an act giving rise to a
 22 prohibited practice under this Code section must be willful to
 23 constitute a violation.

24 Code section 20.10, subsection 4, is amended to specifically
 25 provide that oral expression of views without threat of
 26 reprisal or force shall not constitute or be evidence of a
 27 prohibited practice.

28 Code section 20.11 is amended to allow a presiding officer
 29 in a prohibited practice hearing to hear the case through the
 30 use of technology from a location other than the county where
 31 the alleged violation occurred. The bill also allows PERB to
 32 designate one of its members or any other qualified person to
 33 preside at a prohibited practice hearing.

34 The bill amends Code sections 20.11, 20.13, and 20.14
 35 to provide that Code chapter 17A, the Iowa administrative

1 procedure Act, governs hearing and appeal proceedings described
2 in those Code sections.

3 Code section 20.15, concerning certification elections for
4 exclusive bargaining representation, is amended. The bill
5 provides that a petition for certification of an exclusive
6 bargaining representative for a bargaining unit cannot
7 occur if that bargaining unit is currently represented by an
8 exclusive bargaining representative. The bill also provides
9 that a petition for decertification of a certified exclusive
10 bargaining representative cannot occur for a period of one year
11 from the date of certification or the date of its continuing
12 certification or during the duration of a collective bargaining
13 agreement.

14 Code section 20.17, subsection 3, concerning bargaining
15 procedures, is amended to provide that parties utilizing a
16 cooperative alternative bargaining process may exchange their
17 initial interest statements in lieu of an initial bargaining
18 position during bargaining.

19 Code section 20.17, subsection 11, concerning the deadlines
20 for community college employee bargaining, is amended to
21 match the provisions of the subsection applicable to other
22 educational bargaining units.

23 Code section 20.18, concerning grievance procedures,
24 is amended to provide that an agreement with an employee
25 organization may include procedures for the consideration
26 of employee organization grievances in addition to public
27 employee grievances. The section is also amended to provide
28 that arbitration shall be invoked only with the approval of
29 the employee organization in all instances and, for employee
30 grievances, the additional approval of the employee.

31 Code section 20.21, concerning fact-finding procedures,
32 is repealed to eliminate fact-finding from public employee
33 collective bargaining. Corresponding amendments are made
34 throughout Code chapter 20.

35 Code section 20.22, concerning binding arbitration, is

1 amended to provide that arbitration will be conducted by a
2 single arbitrator and not a panel of arbitrators. The bill
3 also provides for the method of selecting the arbitrator. The
4 bill provides that PERB will submit a list of five arbitrators
5 to the parties upon the filing of a request for arbitration
6 and then each party, in an order determined by lot, shall
7 alternatively remove names from the list until one name
8 remains.